

**ENCROACHMENT PERMIT**

(to be completed by applicant)

JAMES O. & CINDY E. HERTING, the X Owners Lessee of the property located at 3855 MARKET STREET in the city of Riverside, Assessors Parcel No. 215-032-002 hereby requests permission to CONSTRUCT AND MAINTAIN FOUR (4) COLUMNS ENCROACHING 2' INTO

~~in~~ the public right of way of MARKET STREET /or the \_\_\_\_\_ easement at the \_\_\_\_\_ rear/ \_\_\_\_\_ side/ front of said property. The attached drawing shows the requested encroachment. Upon issuance of this permit, I agree to comply with the attached terms and conditions.

Date 11-13-95

X J. O. Herting  
X Cindy E. Herting

A  
24-3

**ENCROACHMENT PERMIT APPROVAL**

(to be completed by City)

This permit shall become effective upon the approval of the Departments listed below. Issuance of this permit shall not be construed as a waiver of any other applicable permit or requirement, but is only revocable permission to use the land for the purpose described.

X Public Utilities Water [Signature]  
X Public Utilities Electric [Signature]  
X Planning Craig Aaron  
X Parks and Recreation [Signature]  
\_\_\_\_ (other) \_\_\_\_\_

\_\_\_\_ (other) \_\_\_\_\_

Upon obtaining the above signatures, return this permit to the Public Works Department for final approval.

Date 11/29/95

[Signature]  
Public Works Director

Encroachment Permit No. E-1319

E-1319

TERMS AND CONDITIONS

The following indicated terms and conditions apply to encroachment permit no. E-1319.

1. Permittee acknowledges that the area of encroachment is owned or controlled by the City of Riverside.
2. Permittee acknowledges that the described property could be needed for a proposed or planned public improvement and the City may revoke this permit. Upon written notice of revocation, the permittee shall, within the time prescribed by the City, remove all improvements placed, constructed or maintained. If the permittee fails to abide by the removal order of the City, the City shall have the right to remove and destroy the improvements without reimbursement to the permittee. The cost of such removal shall be paid by the permittee to the City and shall constitute a debt owed to the City.
3. Permittee waives the right of claim, loss, damage or action against the City resulting from revocation, termination, removal of improvements or any action of the City, its officers, agents or employees taken in accordance with the terms herein.
4. If the City Council of the City of Riverside finds that the permittee is in default of the terms of this permit, that shall be cause for revocation.
5. Permittee herewith agrees to hold the City of Riverside harmless from and against all claims demands, costs, losses, damages, injuries, actions for damages and/or injuries, and liability in connection with the construction, encroachment, and/or maintenance to be done by permittee within the described property.
6. Prior to any construction taking place on City controlled property, permittee shall obtain a Construction Permit or Street Opening Permit from the City Public Works Department.
7. The permittee agrees to insure that construction of their improvements will not interfere in any way with existing City or utility facilities. The existing facilities will require future maintenance, reconstruction and revisions and facilities may be added, any of which may result in removal or alteration of the permittee's improvements without

reimbursement to the permittee. Prior to construction, Permittee shall contact Underground Service Alert to field locate existing utility lines. Any conflicts discovered will void the permit until acceptable revisions are made.

8. Other OWNERS AGREE TO MAINTAIN 4.0' MINIMUM CLEARANCE  
FROM COLUMNS TO LIGHT POLE / TREE WELLS

CITY OF

*Riverside*

PARK &amp; RECREATION DEPARTMENT

3900 Main Street • Riverside, California 92522 • 909/782-5301

October 17, 1995

Glenn Schmidt  
East Valley Design  
1877 Mentone Blvd.  
Mentone, CA 92359

Dear Mr. Schmidt:

The Park & Recreation Commission at its meeting last night approved the removal of all four Ficus trees in front of 3855 Market St. with three being replaced with 24" boxed fern pines.

Enclosed is an application for a removal permit. I do not know if your are overseeing this project of if there is someone else. Please forward these comments to Jim Heiting and let me know.

Sincerely,



Dave Roger  
Urban Forester

cc. B. Cooper, Tree Supervisor

E-1319

CONC  
OCC  
SOIL

① HANDICAP PARKING SPACE NO SCALE

FIRE  
HYDRANT

DR-16-701

UNIVERSITY

NOT A PART

EXISTING  
4" CMU WALL

FAIRMONT

NOT  
A  
PART

EXISTING PARKING SPACES

NOT  
A  
PART  
NEW CMU TRASH  
ENCLOSURE  
SEE SHEET 4

MARKED

INSTALL (3) 2" BOXED  
FERN PINE TREES - REPLACE  
SIDEWALK AS REQUIRED  
REMOVE (4) EXISTING FIG-  
TREES REPAIR SIDEWALK  
CURB & GUTTER AS REQUIRED

HENNINGER  
ROSS MARKET

EXISTING COLS. COVERED  
UNDER E-97

NEW HANDICAP PARKING SPACES SEE DETAIL

WHITTIER

EXISTING  
TRASH ENCLOSURE  
TO BE REMOVED

ONE WAY

EXISTING PARKING LOT

NO SCALE

NORTH

ZOF 2  
E-1319

**CITY OF RIVERSIDE**  
**Park & Recreation Commission**

Agenda Item # 13

TO: PARK & RECREATION COMMISSION  
FROM: DAVE ROGER URBAN FORESTER  
DATE: OCTOBER 16, 1995  
SUBJECT: 3855 MARKET STREET, EAST VALLEY DESIGN - REQUEST REMOVAL  
OF FICUS TREES.

*Attach to  
Arch Port*

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**Summary**

The applicant requests the removal of Ficus trees in front of the building. Staff recommends that all four trees be removed and replaced with three designated trees.

**Analysis**

The East Valley Design group acting on behalf of its client Jim Heiting is requesting that two of the four Ficus trees in front of the building be removed as part of the remake of the facade of the building and that no replacement trees be planted.

The Commission several years ago agreed to a removal program of the Ficus on Market Street with the Fern Pine as the replacement tree. Staff recommends that this is a good opportunity to remove four of these trees. However because of the width of the building, two replacement trees are not adequate. It is recommended that all four Ficus trees be removed and replaced with three 24" box minimum sized Fern Pines. Three trees are recommended to improve the spacing.

**Subcommittee Recommendation**

The Street Tree Subcommittee visited the site on October 4 and met with the architect Glenn Schmidt and the owner Jim Heiting. They are also recommending that all four Ficus be removed rather than two and that three trees replace those removed.

**Alternatives**

1. That the Commission approve the removal of the two Ficus trees with no replacements.

**Alternatives Continued**

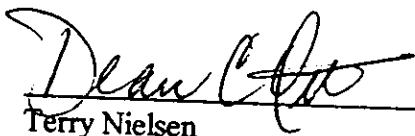
2. That the Commission approve the removal of all four Ficus trees with three being replaced with 24" boxed Fern Pines.
3. That the item be referred back the Subcommittee for further evaluation.


**Recommendation**

That the Park & Recreation Commission approve the removal of the four Ficus trees at 3855 Market Street and that they be replaced with three 24' boxed Fern Pines.

Submitted by:

Prepared by:

for   
Terry Nielsen  
Park & Recreation Director

  
Dave Roger  
Urban Forester

**PARK AND RECREATION COMMISSION**

**Minutes**

**October 16, 1995**

Commissioners Present: Burgett, Camenga, Deer, Hildebrandt, Lindeburg, Monson, & von Pohle

Commissioners Absent: Kallinger & Mahaffey

Staff Present: Park & Recreation Director Nielsen  
Park & Recreation Deputy Director  
Park Planning Coordinator Johnson  
Administrative Services Manager Ott  
Urban Forester Roger

**I. CALL TO ORDER**

The Park & Recreation Commission meeting was called to order at 7:30 p.m. by Chairman Monson.

**II. APPROVAL OF MINUTES**

The minutes of the September 1995, Park & Recreation Commission meeting were approved as presented.

Motion: Lindeburg  
Seconded: Burgett  
Ayes: All

**III. CONSENT CALENDAR**

The following matters, presented to the Park and Recreation Commission on the Consent Calendar for consideration, were approved by one motion affirming the actions appropriate to each item. The items approved on the Consent Calendar were:

- |        |   |
|--------|---|
| Item 1 | Monthly Street Tree Removal Report  |
|        | Approved Street Tree Removal Report submitted in September  |
| 10     | 11317 Meridian Way, Charles Anderson - Removal of Eucalyptus Tree   |
|        | Denied the request for removal  |
| 11     | 2994 Gertrude, Steven Weischedel - Removal of Holly Oak   |
|        | Approved the request to allow the property owner to remove the Holly Oak street tree and replace it with another species to be approved in the future |
| 12     | Spring Garden Street - Public Works Improvement Project   |
|        | Approved the project, including the removal of the palms and that the Cassia leptophylla be the designated street tree                                |
| 13     | 3855 Market Street, East Valley Design - Removal of Ficus Trees   |
|        | Approved the removal of the four Ficus trees at 3855 Market Street, and that they be replaced with three 24" boxed Fern Pines                         |